

OUR LEGAL NOTES.

EDITED BY JAMES P. M'GOVERN.

The annual meeting of the Territorial Bar association was held at Phoenix, January 12th, 1898. The following officers were elected for the ensuing year: President, Selim Franklin; vice-president, A. C. Baker; secretary, Wade H. Huling; treasurer, Walter Bennett; executive committee, William Herring, T. G. Norris, T. D. Bennett, E. J. Edwards and Thomas Armstrong, Jr.

Colonel William Herring and Chief Justice Street were elected as delegates to the American Bar association meeting at Saratoga, N. Y., next summer. E. E. Ellinwood, C. F. Ainsworth, William Herring and E. J. Edwards were appointed a committee to investigate certain charges preferred against two members of the association.

It was held in *Rudder vs. Koopman* (Ala.), 1837, that the keeping of large quantities of dynamite and gunpowder in a wooden store in a thickly settled portion of an incorporated town, in close proximity to many buildings and persons, constituted a nuisance which will render the proprietor liable for damages caused to other persons in case of an explosion, even if such explosion is due to a fire originating without his fault on the premises of a third person. But he will not be liable for damages of which the explosion is not the proximate cause, as for the destruction of a building which would have caught fire and been destroyed from other causes independent of the explosion. The keeping of explosives is *prima facie* negligence.

In *State vs. McGonigle*, 45 P., 20, it was held that a person is guilty of murder in the first degree where, in shooting at one person under circumstances such that, if he had killed him, he would have been guilty of murder in the first degree, he kills another.

A certain Arizona justice of the peace, after hearing a case a short time ago, announced with great dignity: "I'll take this 'ere case under advisement till next Monday morning at half past nine, at which time I'll give a decision to the plaintiff."

In *Carson vs. Vicksburg Bank* (Miss.), 37 L. R. A., 359, an attempt to substitute as beneficiary of an endowment certificate in the Knights of Pythias a creditor in place of the member's widow and children was held abortive because the constitution of the association provided that the benefits are for persons related to or dependent upon the member and that they should never be appropriated to the payment of any debt against his estate.

It was held in *Anonymous case* (Com. Pl.), 2 Ohio, N. P., 342, 3 Ohio, Dec. 250, that the commission of sodomy by a husband is not adultery within the meaning of a statute making adultery ground for divorce. But the commission of such crime by a husband is held in the same case to be "extreme cruelty" toward the wife within the statute making such cruelty ground for divorce.

A railroad company is liable for injury to a young child which strays upon the track because of the lack of a fence. *Rosse vs. St. Paul R. R. Co.* (Minn.), 37 L. R. A., 594. This overrules a former decision holding that a statute requiring fences was exclusively for the protection of domestic animals.